



CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	1/16/2007	AGENDA REQUEST NO:	VI A
INITIATED BY:	LISA KOCICH-MEYER SENIOR PLANNER <i>LM</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	LISA KOCICH-MEYER SENIOR PLANNER	DEPARTMENT HEAD:	SABINE SOMERS-KUENZEL, AICP DIRECTOR OF PLANNING <i>AK</i>
		ADDITIONAL DEPARTMENT. HEAD (S):	N/A

SUBJECT / PROCEEDING:	PERMANENT ZONING FROM INTERIM STANDARD SINGLE-FAMILY RESIDENTIAL TO STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT FOR TELFAIR SECTION SIXTEEN PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1599
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EXHIBITS:	VICINITY MAP, TELFAIR GENERAL PLAN, ORDINANCE NO. 1599, APPLICATION AND CORRESPONDENCE, PUBLIC HEARING NOTICE
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CLEARANCES	APPROVAL
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LEGAL:	MEREDITH WILGANOWSKI, <i>YMRW</i> ASSISTANT CITY ATTORNEY	EXECUTIVE DIRECTOR:	JIM CALLAWAY <i>Jim Callaway</i> COMMUNITY DEVELOPMENT
PURCHASING:	N/A	ASST. CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD <i>Allen Bogard</i>

BUDGET

EXPENDITURE REQUIRED: \$	N/A
AMOUNT BUDGETED/REALLOCATION: \$	N/A
ADDITIONAL APPROPRIATION: \$	N/A

RECOMMENDED ACTION

The Planning and Zoning Commission unanimously recommended approval of permanent R-1 zoning for Section 16.

EXECUTIVE SUMMARY

This is a request to permanently zone the Telfair Section 16 area, consisting of 21.289 acres, from interim Standard Single-Family Residential (R-1) to permanent Standard Single-Family Residential (R-1). The property is located directly west of Ditch H, east of Telfair Section 12 and north of US 59. The Telfair property was annexed by the City under Ordinance No. 1431 on April 6, 2004 and was officially incorporated into the City on July 1, 2004. At that time, interim R-1 zoning was applied to the 21.289 acres. Approval of this permanent zoning will place the property under the requirements of the standard City of Sugar Land R-1 district and all regulations contained therein. This request is in conformance with the City of Sugar Land Future Land Use Plan and the Telfair General Plan (Amendment No. 3), which was approved December 19, 2006.

This rezoning request, if approved by City Council, would require this property to comply with all R-1 regulations as contained in Chapter 2 of the City of Sugar Land Development Code.

The Planning and Zoning Commission held a Public Hearing on this item at the November 14, 2006 meeting and took action on the request at the December 12, 2006 meeting. No one spoke at the hearing, and the Commission unanimously recommended approval of the permanent R-1 zoning to Council. This item requires a Public Hearing at Council prior to any action.

EXHIBITS

STAFF REPORT

DETAILED INFORMATION

GENERAL SITE INFORMATION AND ANALYSIS:

Compliance with Comprehensive Plan	Adopted COSL Future Land Use Plan indicates single-family residential land use for the area in question. This proposal is in compliance with the Comprehensive Plan.
Compliance with General Plan	Telfair General Plan Amendment No. 3 indicates R-1 zoning for this area
Subject Property	Interim Standard Single Family Residential (R-1)
SURROUNDING PROPERTY	North: Interim Standard Single-Family Residential (R-1) South: Interim Standard Single-Family Residential (R-1) East: Across Ditch H, General Business (B-2) West: Standard Single-Family Residential (R-1)
Surrounding Land Use	North: Undeveloped South: Undeveloped East: Across Ditch H, Existing Commercial Uses (Garden Ridge) and Church West: Undeveloped (Preliminary platted Telfair Sec. 12)

On November 16, 2004, City Council adopted the revised Land Use Plan portion of the City's Comprehensive Plan under Ordinance No. 1468. The Land Use Plan serves as a guide for recommendations of permanent zoning for annexed properties and rezoning of existing properties within the City. The 21.289 acres of Telfair Section 16 were intended for single-family residential development when the developer petitioned the City for annexation. This proposed land use is in accordance with the City's Land Use Plan, and the Telfair General Plan Amendment No. 3 (approved December 19, 2006).

PUBLIC HEARING:

Notice of the Public Hearing was published in a newspaper of general circulation as required by state law. All property owners and potentially affected interests within 200 feet of the proposed site, consisting only of Newland Communities, LJA Engineers, Brown and Gay Engineering, and Fort Bend County LID #17 in this case, were notified. Notice of the Public Hearing was posted on the City of Sugar Land's Internet home page. At the time of writing this report there has been one informational inquiry and no opposition.

Cc: Jason Kelly, P.E., LJA Engineering & Surveying, Inc.

Fax: (713) 953-5026

jkelly@LJAengineering.com

Keith Behrens, P.E., Newland Communities

Fax: (713) 575-9001

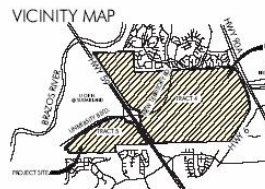
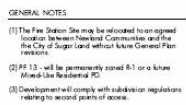
kbehrens@newlandcommunities.com

File No. P0007062

Vicinity Map:



Document1



TELFAIR
LAND USE PLAN -AMENDMENT 3
OWNER: NEWLAND COMMUNITIES
10235 W. LITTLE YORK, SUITE 260
HOUSTON, TEXAS 77040

DESIGN FIRM: TBG PARTNERS
LAND PLANNERS / LANDSCAPE ARCHITECTS
901 S MOPAC EXPRESSWAY
BLDG 2, SUITE 350

Original Date: July 30, 2003
Revised Date: Nov. 09, 2006



Age Group	Percentage (%)
0-100	10
100-200	20
200-300	35
300-400	25
400-500	15
500-600	10
600-700	5
700-800	5
800-900	5
900-1000	5

ORDINANCE NO. 1599

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PERMANENTLY ZONING THE 21.289 ACRES OF LAND LOCATED IN THE TELFAIR DEVELOPMENT AS STANDARD SINGLE FAMILY RESIDENTIAL (R-1) ZONING DISTRICT.

WHEREAS, NNP-Keepsake Telfair, LP has requested that the 21.289 acres of land in Telfair Section 16, located north of U.S. Highway 59 and east of University Boulevard, be permanently zoned as Standard Single-Family Residential (R-1) Zoning District, as described in Exhibit A; and

WHEREAS, the City Council has held a public hearing on the proposed permanent zoning for which notice was given as required by law; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That the 21.289 acres of land, described in Exhibit A, attached to and incorporated into this ordinance by reference, is permanently zoned as Standard Single-Family Residential (R-1) Zoning District.

Section 2. The City's official zoning map is amended to show the permanent zoning district classification.

READ IN FULL on first consideration on _____, 2006.


APPROVED upon second consideration on _____, 2006.

David G. Wallace, Mayor

ATTEST:

Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:



RECEIVED

OCT 02 2006
September 28, 2006
Job No. 1800-2016

PLANNING

DESCRIPTION OF
21.289 ACRES
TELFAIR SECTION 16

Being 21.289 acres of land located in the Alexander Hodge League, Abstract 32, Fort Bend County, Texas, more particularly being a portion of the residue of a called 1651.239 acre tract conveyed to NNP-Keepsake, L.P., by instrument of record in File No. 2003149525, Official Public Records, of said Fort Bend County (F.B.C.O.P.R.), said NNP-Keepsake, L.P. now known as NNP-Telfair LP, by instrument of record in File No. 2006007940, F.B.C.O.P.R., said 21.289 acres being more particularly described by metes and bounds as follows (all bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

COMMENCING for reference at a 5/8-inch iron rod with TxDOT aluminum disc found marking the southeast corner of aforementioned 1651.239 acre tract, the southwest corner of that certain called 57.2991 acre tract conveyed to Fort Bend County Levee Improvement District No. 2, by instrument of record in File No. 9574191, Official Records of said Fort Bend County and on the northerly right-of-way line of U.S. Highway No. 59 (width varies);

Thence, with the common line of said 1651.239 acre tract and said 57.2991 acre tract, North 01° 50' 41" East, 953.30 feet to a point;

Thence, South 88° 09' 19" West, 210.00 feet departing said common line to the POINT OF BEGINNING;

Thence, South 88° 09' 19" West, 85.66 feet to a point for corner;

Thence, South 01° 50' 41" East, 60.00 feet to a point for corner on the north line of that certain called 87.328 acre Drainage Easement, conveyed to Fort Bend County Levee Improvement District No. 17 by instrument of record in File No. 2005077813 of the F.B.C.O.P.R.;

Thence, with said north line the following four (4) courses;

21.289 acres

September 28, 2006
Job No. 1800-2016

- 1) South $88^{\circ} 09' 19''$ West, 549.35 feet to a point for corner, the beginning of a curve;
- 2) 58.62 feet along the arc of a tangent curve to the right, having a central angle of $16^{\circ} 47' 40''$, a radius of 200.00 feet and a chord which bears North $83^{\circ} 26' 51''$ West, 58.41 feet to a point for corner at the end of said curve;
- 3) North $75^{\circ} 03' 01''$ West, 115.56 feet to a point for corner;
- 4) North $75^{\circ} 58' 31''$ West, 0.50 feet to a point for corner;

Thence, North $14^{\circ} 49' 54''$ East, 41.98 feet departing said north line to a point for corner, the beginning of a curve;

Thence, 1014.12 feet along the arc of a tangent curve to the left, having a central angle of $27^{\circ} 28' 21''$, a radius of 2115.00 feet and a chord which bears North $01^{\circ} 05' 43''$ East, 1004.43 feet to a point for corner at the end of said curve;


Thence, North $12^{\circ} 38' 27''$ West, 116.94 feet to a point for corner on the south line of that certain called 80 feet wide Utility Easement, conveyed to the Houston Lighting & Power Company by instrument of record in File No. 2004131587 of the F.B.C.O.P.R.;

Thence, North $77^{\circ} 21' 33''$ East, 775.98 feet with the south line of said Utility Easement to a point for corner, same being on the common line between the aforementioned 1651.239 acre and 57.2991 acre tracts;

Thence, South $01^{\circ} 50' 41''$ East, 1285.61 feet departing said south line and continuing with said common line to the POINT OF BEGINNING and containing 21.289 acres of land.

LJA Engineering & Surveying, Inc.

Application:

 **Telfair Section 16
Rezone Request** **RECEIVED**
OCT 02 2006
PLANNING

CURRENT PLANNING DIVISION
CONDITIONAL USE PERMIT OR REZONING APPLICATION

Please type or print the following information & Return your submittal to the Development Services Department (Current Planning Division), 2700 Town Center Blvd. North, Sugar Land, TX 77479, Attention: Gretchen Pyle

Applicant
Contact LJA Engineering & Surveying, Inc. Attention: Jason M. Kelly, P.E.
Address 2929 Briarpark Drive, Suite 600, Houston, TX 77042
Phone (713) 953-5064 **Fax** (713) 953-5026
Email jkelly@ljaengineering.com

Owner
Contact NNP-Telfair, LP Attention: Keith Behrens, P.E.
Address 10235 West Little York, Suite 300, Houston, TX 77040
Phone (713) 575-9000 **Fax** (713) 575-9001
Email kbehrens@newlandcommunities.com

Property Legal Description _____ **See Attached** X

Lot _____ **Block** _____ **Subdivision** Telfair Section 16

Current Zoning District Temporary R-1 **Proposed Zoning District, if applicable** R-1

If this is a CUP application: ☐ new building ☐ existing building

Proposed Use (CUP only) _____

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the undersigned is authorized to make this application. **This application expires six months from the date stamped as received by the Planning Department if no action has been taken by the Planning and Zoning Commission on this request.**

X _____ 9/29/06
Signature of Applicant **Date**

Submittal Requirements (Submittal Deadline is Monday at 3:00 p.m.):

- ☒ Three (3) copies of the completed application
- ☒ Check for \$1,000.00 (non-refundable) \$400 if CUP is in MUC District
- ☒ Metes and bounds of the site and county slide number of plat, if recorded
- ☒ Two (2) 24" x 36" blue-line copies and two (2) 11" x 17" copies of the CUP layout plan or the property to be rezoned, including a vicinity map and north arrow on each copy
- ☒ Two (2) copies of a letter stating the applicant's request and addressing issues relating to a CUP including traffic circulation, parking, plan of operation, and other pertinent information
- ☒ Names and mailing addresses of all property owners and tenants within 200 feet of site, including owner and applicant

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

Correspondence:

LJA Engineering & Surveying, Inc.



2929 Briarpark Drive
Suite 600
Houston, Texas 77042-3703
Phone 713.953.5200
Fax 713.953.5026
www.ljaengineering.com

RECEIVED

OCT 02 2006

PLANNING

October 2, 2006

Ms. Gretchen Pyle
Development Review Coordinator
City of Sugar Land
2700 Town Center Blvd. North, Ste. 259
Sugar Land, TX 77479

Re: Rezoning Application
Telfair Section 16
Fort Bend County MUD No. 138
City of Sugar Land
Fort Bend County, Texas
LJA Job No. 1800-2016A (6.1)

Dear Ms. Pyle:

This letter is to request rezoning of Telfair Section 16 within the Telfair Development from Temporary R-1 to R-1.

NNP – Telfair, LP is the current owner of all the property within the requested Rezone area. NNP-Telfair, LP and Fort Bend County Levee Improvement District No. 2 (Ditch "H" right-of-way only) are the owners of all property within 200-feet around the requested Rezone.

Owners

NNP – Telfair, LP
10235 West Little York, Suite 300
Houston, Texas 77040
Phone 713.575.9000

Fort Bend County Levee Improvement District No. 2
c/o David Oliver
Allen Boone Humphries Robinson LLP
Phoenix Tower
3200 Southwest Freeway, Ste. 2600
Houston, Texas 77027
Phone 713.860.6465

Applicant

LJA Engineering & Surveying, Inc.
2929 Briarpark Drive, Suite 600
Houston, Texas 77042
Phone 713.953.5200

O:\LAND\1800\2016A\rezoning request 100206.doc

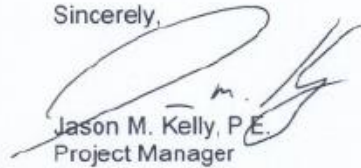


Applicant Correspondence (continued) Page 2:

Ms. Gretchen Pyle
October 2, 2006
Page 2

Should you have any questions, please contact me at 713.953.5064.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason M. Kelly', is written over the printed name and title.

Jason M. Kelly, P.E.
Project Manager

JMK/rca

Copy: Mr. Keith Behrens, P.E., NNP – Telfair, LP

NOTICE OF PUBLIC HEARING

REQUEST FOR PERMANENT ZONING OF APPROXIMATELY 21.289 ACRES KNOWN AS TELFAIR SECTION SIXTEEN, LOCATED WITHIN TELFAIR DEVELOPMENT (TRACT 4), DIRECTLY WEST OF DITCH H, SOUTHEAST OF TELFAIR SECTION 12 AND NORTH OF US HIGHWAY 59, TO STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT.

PROPOSED PERMANENT ZONING OF APPROXIMATELY 21.289 ACRES OF LAND FROM INTERIM R-1 ZONING DISTRICT TO STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT BEING 21.289 ACRES OF LAND LOCATED IN THE ALEXANDER HODGE LEAGUE, ABSTRACT 32, FORT BEND COUNTY, TEXAS, MORE PARTICULARLY BEING A PORTION OF CALLED 1651.239 ACRE TRACT CONVEYED TO NNP-KEEPSAKE, L.P., BY INSTRUMENT OF RECORD IN FILE NO. 2003149525, OFFICIAL PUBLIC RECORDS, OF FORT BEND COUNTY (F.B.C.O.P.R.), NOW KNOWN AS NNP-TELFAR LP, BY INSTRUMENT OF RECORD IN FILE NO. 2006007940, AND AS SHOWN ON THE ATTACHED MAP.

PURPOSE: One (1) public hearing shall be held at which all persons interested in the proposed Permanent Zoning shall be given an opportunity to be heard.

**WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER
CITY HALL
2700 TOWN CENTER BOULEVARD NORTH
SUGAR LAND, TEXAS**

**WHEN: CITY OF SUGAR LAND
CITY COUNCIL MEETING
6:00 P.M., JANUARY 16, 2007**

DETAILS OF THE PROPOSED PERMANENT ZONING REQUEST MAY BE OBTAINED FROM THE PLANNING OFFICE, CITY HALL, CITY OF SUGAR LAND, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS, MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M. OR YOU MAY CALL (281) 275-2218 FOR ADDITIONAL INFORMATION.